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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BAYKEEPER, a non-profit corporation,

Plaintiff,

v.

LAKESIDE NON-FERROUS METALS, INC.,

Defendant.

Civil Case No. C 12-03294-DMR

Hon. Donna M. Ryu

**[PROPOSED] ORDER OF ENTRY OF
CONSENT DECREE, AND DISMISSAL**

[PROPOSED] ORDER OF ENTRY OF CONSENT DECREE, AND DISMISSAL

WHEREAS, the Parties in the above captioned action have reached a settlement whose specific terms are set forth in the [Proposed] Consent Decree, attached hereto as Exhibit A.

WHEREAS, as required by federal law, a copy of the [Proposed] Consent Decree was mailed on September 4, 2012, to the U.S. Department of Justice ("DOJ") and to the U.S. Environmental Protection Agency for a mandatory 45-day review period under Section 135.5 of Title 40 of the Code of Federal Regulations. The 45-day review period commenced on September 10, 2012, and terminates on October 26, 2012.

WHEREAS, DOJ approved the [Proposed] Consent Decree and submitted its approval letter to the Court on October 23, 2012. *See* Exhibit B.

IT IS HEREBY ORDERED that the [Proposed] Consent Decree is fully incorporated herein by reference, and is entered as an Order of the Court.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction over Case No. CV-12-03294-DMR for the sole purpose of enforcing compliance by the Plaintiff and Defendant with the terms of the [Proposed] Consent Decree.

IT IS FURTHER ORDERED that the above captioned action against Defendant is dismissed with prejudice.

IT IS SO ORDERED.

Date: Oct. 26, 2012

